

REMARKS

Claim 4 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,086,691 to Fobiano. As described at column 1, lines 10-13, Fobiano relates to cardboard cartons. Referring to Fig. 1, Fobiano has a bottom panel 11, side panels 12 and end panels 13. Each end panel 13 has a locking tab 14. The locking tabs 14 have a projecting tongue 15. One edge 16 of the locking tabs 14 is normally inclined to the plane of the bottom of the panel and provides a locking surface. Referring to column 2, the side panels 12 have angulated slits 17 at each end thereof. The slits 17 provide an edge 18, which is normally inclined to the plane of the bottom panel 11. The edge 18 forms a locking surface to cooperate with the locking surface 16 of the locking tab 14. Referring to Fig. 2, the edges 16 and 18 match when the carton is folded.

Referring to column 2, lines 51-72, the method of assembling the carton is illustrated in Figs. 3-5. First, the tabs 14 and side panels 12 are folded upwardly. Then, the end panels 13 are folded upwardly. When this occurs, the general shape shown in Fig. 1 is formed, except that the tabs 14 protrude from the corners of the carton. The reference states that as the end panels are folded upwardly, the slits 17 open slightly by forcing a V-shaped portion away from the plane of the side panel. Referring to Fig. 2, the tab 14 is connected to the side panel 12. When the end panel 13 is folded up, pressure is placed on the side panel 12 through the intersection of the tab 14 and the side panel 12. This force opens the slit 17. It appears that the portion of the side panel 12, which is external to the slit 17 is pushed outwardly, away from the side panel 12. By opening the slit 17 and forcing the V-shaped portion away from the plane of the side panel, the tongue 15 is permitted to pass through the slit 17. In being forced away, the locking surface 16 is moved into registry with the locking surface 18 formed by the slit 17. See column 2, lines 69-72.

The present invention is quite different, and relates to a mechanical connection between side walls and a rear wall of a casing. A cutout is formed in each of the side walls. The rear wall has hook-like extensions extending from the rear wall at positions corresponding to the cutouts. The hook-like extensions snap into the cutouts of the side walls when the rear wall is swung into the position. Contrary to what is asserted in the office action, the slits 17 described in Fobiano and illustrated in the drawings (see Fig. 2, for example) are not cutouts. They are slits, which are opened only when pressure is applied thereto. Accordingly, Fobiano does not disclose or suggest a mechanical connection where a rear wall formed from a single sheet of material has a pair of hook-like extensions which snap into cutouts formed in side walls, which

are also formed from the single sheet of material. Accordingly, claim 4 patentably distinguishes over Fobiano, and rejection should be withdrawn.

Claims 1-3 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,316,165 to Moran, Jr. "in view of ordinary skill of one versed in the art."

Moran is directed to a plastic enclosure. The bottom back and side walls are parts of unitary structure. Referring to column 1, lines 40-55 of the reference, sheet metal enclosures have drawbacks, such as being difficult to cut or drill holes into the metal and being limited to standard sized knockout holes. To overcome these drawbacks, Moran forms the enclosure from plastic. As disclosed at column 3, lines 5-11 of the reference, plastic enclosures are lighter and easier to work with/install compared to sheet metal enclosures. Moran clearly teaches that the enclosure of the reference should not be formed of sheet metal.

Surprisingly, the Examiner recognizes that Moran teaches away from the use of sheet metal, yet the Examiner argues that it would have been obvious to use sheet metal in the reference. Referring to Manual of Patent Examining Procedure ("MPEP") § 2141.02, the prior art does not suggest a modification to a primary reference when the primary reference teaches away from the modification. The MPEP provides the example from W.L. Gore & Associates v. Garlock Inc. [citation omitted]. In this case, a first reference taught that unsintered PTFE does not respond to conventional plastic processing, and the material should be stretched slowly. A second reference taught rapid stretching for conventional plastics. The Federal Circuit held that the two references together did not suggest rapid stretching of PTFE because the PTFE reference taught away from the modification.

In addition to the deficiency with regard to the material, the mechanical connection taught by Moran is formed from a slot 32 and a projection 30. See Figs. 1-3, 9-11 and 19-20. In the assembled position, the slots 32 and projections 30 are in a plane. Moran does not suggest cutouts in lateral walls. Therefore, even ignoring the deficiencies with regard to the material, it would not have been obvious to modify Moran to produce a mechanical connection as claimed in the present application.

For the foregoing reasons, the obviousness rejection should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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